

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PENROD MANAGEMENT GROUP, INC.,

Plaintiff-Petitioner,

v.

STEWART'S MOBILE CONCEPTS, LTD.,

Defendant-Respondent.

Civil Action No.: 07-CV-10649

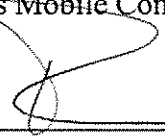
**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the annexed declaration of Ryan P. Mulvaney, Esq. sworn to on June 3, 2008, with attached exhibits; the accompanying memorandum of law; and upon all the pleadings and proceedings had herein, the undersigned will move this Court, on behalf of Defendant-Respondent, Stewart's Mobile Concepts, Ltd. ("SMC"), before the Hon. Douglas F. Eaton, U.S.M.J., at the United States District Court, United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York 10007, on a date to be scheduled by the Court, at 9:30 a.m. of that day or as soon thereafter as SMC can be heard, for an Order pursuant to Federal Rule of Civil Procedure 37 granting the motion to bar Plaintiff-Petitioner, Penrod Management Group, Inc. ("PMG"), from introducing certain evidence and testimony in support of its defense of SMC's alter ego claim for PMG's failure to produce or

identify documents during discovery, and for an adverse inference.

Respectfully submitted,

MCELROY, DEUTSCH, MULVANEY &  
CARPENTER, LLP  
Attorneys for Respondent-Defendant,  
Stewart's Mobile Concepts, Ltd.

By:   
Richard S. Mills  
Ryan P. Mulvaney

To: Sean C. Sheely, Esq.  
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24<sup>th</sup> Floor  
New York, NY 1007

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2008, I caused to be served the motion in limine of Defendant-Respondent, Stewart's Mobile Concepts, Ltd., the certification of counsel, memorandum of law, proposed Order and this Certificate of Service on all counsel of record and the Clerk of Court via electronic filing.

McELROY, DEUTSCH, MULVANEY &  
CARPENTER LLP  
Attorneys for Respondent-Defendant,  
Stewart's Mobile Concepts, Ltd.

Date: June 3, 2007

By:



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